

REMARKS

In view of the foregoing amendments and the following remarks, Applicant requests reconsideration, reexamination, and allowance of the above-captioned application.

Initially, the Examiner is thanked for acknowledging receipt of certified copies of the priority documents and for returning an initialed copy of the form PTO-1449 submitted on September 13, 2001.

Page 2 of the Office Action set forth an objection to the drawings as failing to include reference numeral 4. A Request for Approval of Corrected Drawings is submitted concurrently, in which the Applicant proposes to add the reference numeral 4 to Figure 2. Applicant respectfully requests withdrawal of the objection to the drawings.

Pages 2 and 3 of the Office Action set forth a rejection of claims 1-8 under 35 U.S.C. §112, second paragraph, as being indefinite to failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Each of claims 1 through 8 have been amended to address the concerns set forth in the Office Action. In addition, the claims have been amended in minor ways to place them in better U.S. format. The claims are believed to comply with 35 U.S.C. § 112, second paragraph, and withdrawal of the rejections under 35 U.S.C. §112, second paragraph, is therefore respectfully requested.

Pages 4 and 5 of the Office Action set forth a rejection of claims 1 through 8 under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,354,289 to *Mitchell et al.* Applicant respectfully requests reconsideration of this rejection.

Claim 1 is directed to an absorbent article having a liquid pervious topsheet, a liquid impervious backsheet, an absorbent body enclosed therebetween, and at least one strip which has a color or tint different than the backsheet. In addition, the absorbent article has a wetness indicator is arranged at an inside of the liquid impervious backsheet in a pattern. The wetness indicator is visible through the backsheet. The wetness indicator is applied on or is adjacent to the strip.

Several examples of such an absorbent article are illustrated by the Figures. In Figure 1 and Figure 2, a wetness indicator 9 is arranged in a pattern on the strip 10. In another embodiment illustrated in Figure 5, the wetness indicator 9 is arranged adjacent to differently colored strips 10. Figure 3 illustrates yet another embodiment in which the wetness indicators 9 are applied to differently colored strips 10. It is noted that the invention is not limited to these disclosed embodiments.

Mitchell et al. does not disclose an absorbent article having each of the features of Claim 1. The *Mitchell et al.* disposable diaper includes a non-woven facing sheet 14, a water impervious backing sheet 12 which is transparent or translucent, and an absorbent core 16 having absorbent fluff 26 with super absorbent particles 28. A capacity monitor 20 is intended to indicate when the liquid contained in the diaper reaches a certain threshold. The capacity monitor 20 includes an indicator 24 arranged between a water impervious baffle 22 and the water impervious backing sheet 12 so there is no direct contact between the indicator 24 and the fluff layer of the absorbent core 16. See col. 6, line 61 - col. 7 line 15, and col. 7, 29-34. Liquid in the *Mitchell et al.* fluff layer 26 of the absorbent core 16 can only reach the indicator 24 if the amount of liquid exceeds a threshold liquid level so

that the liquid can pool or puddle on the backing sheet to travel around the free edges of the baffle 22. See col. 7, lines 34 - 68.

The Office Action points to the indicator 24 of the *Mitchell et al.* diaper as corresponding to both the strip and the wetness indicator set forth in claim 1. However, according to Claim 1, the wetness indicator is applied on or adjacent the strip. Because the *Mitchell et al.* indicator 24 clearly is not applied on or adjacent to itself, the indicator 24 cannot correspond to both the wetness indicator and the claimed strip.

Claim 1 also recites that the wetness indicator is arranged at an inside of the liquid impervious backsheet in a pattern. In contrast, *Mitchell et al.*'s indicator 24 is simply a ribbon of hot melt adhesive located between the backing sheet 12 and the baffle 22. This ribbon of hot melt adhesive does not appear to be arranged in a pattern.

Thus, the *Mitchell et al.* diaper cannot be considered to have both a wetness indicator and a strip which has a different color or tint than the backsheet, with the wetness indicator being arranged at an inside of the liquid impervious backsheet in a pattern and being applied on or adjacent to the strip, as set forth in Claim 1. Because *Mitchell et al.* fails to disclose an article with each of the features of Claim 1, it cannot anticipate Claim 1. Applicant therefore respectfully requests withdrawal of the rejection of Claim 1 under 35 U.S.C. §102(b).

Dependent Claims 2-8 are believed to be allowable for at least the same reasons that Claim 1 is allowable. In order to expedite prosecution, additional features of several of the dependent claims are discussed in the following paragraphs.

Claim 2 recites that the strip is separate from the backsheet and is fastened on the inside of the backsheet. For reasons similar to those presented in the previous paragraphs regarding Claim 1, the *Mitchell et al.* diaper does not have both a wetness indicator and a strip which has a different color or tint than the backsheet, with the wetness indicator applied on or adjacent to the strip, and the strip being fastened on the inside of the backsheet.

It is also noted that Figures 4 and 5 of *Mitchell et al.* illustrates a hydrophobic non-woven strip 42 positioned between the backing sheet 12 and the indicator 24, intended to transmit liquid from the free edges 32 of the baffle 22 to the indicator 24. There is no disclosure in *Mitchell et al.* that the non-woven strip 42 has a color or tint different than the backing sheet 12. See col. 11, lines 15-37. Thus, the non-woven strip 42 also cannot be considered to correspond to the claimed strip of Claim 1 or Claim 2.

Claim 3 sets forth the additional feature that the strip is a differently colored or tinted part of the backsheet itself. *Mitchell et al.* does not disclose or suggest this feature. The hot melt adhesive which forms the *Mitchell et al.* indicator 24 is applied directly to the backing sheet 12 or to the baffle 22, or alternatively can be separated from the backing sheet by a non-woven strip 42. See col. 11, lines 15-37. Thus, the indicator 24 of *Mitchell et al.* is not a differently colored or tinted part of the backsheet itself. Nor is there any disclosure that the *Mitchell et al.* backing sheet 12 itself includes a differently colored or tinted part.

Claim 4 recites that the color or tint of the strip is an indication of a product type, size, or absorption capacity of the article. The *Mitchell et al.* indicator 24 does not appear

to indicate any of these characteristics. Instead, the *Mitchell et al.* indicator 24 appears to indicate only that an amount of liquid more than a threshold amount is present, and does not indicate an absorption capacity, as suggested by the Office Action. Nor does the *Mitchell et al.* indicator 24 appear to indicate a type or size of the article.

New dependent Claims 9-12 set forth subject matter previously included in Claims 1 and 7. Claim 9 recites that the absorbent article of claim 1 is a diaper or incontinence guard. Claim 10 includes the feature that the strip has a width of between 2 and 7 cm. Claim 11 includes the feature that the strip has a width between 3 and 6 cm.

It is believed that these claims are allowable for at least that the same reasons that Claim 1 is allowable. In addition, the wetness indicator 24 of *Mitchell et al.*, to which the Office points as corresponding to the claimed strip, has a width of 0.5 to 1.5 cm. See col. 8, lines 8-12. Thus, *Mitchell et al.* does not disclose a differently colored strip having a width between 2 and 7 cm or between 3 and 6 cm, as recited in Claims 10 and 11, respectively.

New dependent Claim 12, independent Claim 13, and dependent Claim 14 set forth additional subject matter to which the Applicant is believed to be entitled.

Claim 12 sets forth that the absorbent body is in direct contact with the wetness indicator. Claim 13 sets forth that the absorbent body is in direct contact with the strip. *Mitchell et al.* does not disclose an absorbent article having these features. In each of the *Mitchell et al.* embodiments, the absorbent core 16 is not in contact with the indicator 24 which the Office Action points to as corresponding to the claimed strip and the claimed wetness indicator. The baffle 22 physically separates the absorbent core 16 from indicator

24 of *Mitchell et al.* in order to prevent the liquid from reaching the indicator 24 before a threshold amount of liquid has been absorbed. See col. 7, lines 29-33.

Claim 14 sets forth that the absorbent article has a liquid pervious topsheet, a liquid impervious backsheet, an absorbent body enclosed therebetween, at least one strip having a color or tint different than the backsheet, and a wetness indicator arranged at an inside of the liquid impervious backsheet. The wetness indicator is applied on or adjacent the strip and is visible through the backsheet. The color or tint of the strip is indicative of a characteristic of the absorbent article. As discussed in the foregoing paragraphs addressing Claim 4, *Mitchell et al.*'s the color of the indicator 24 is indicative only of amount of liquid which has been absorbed, and does not indicate a characteristic of the diaper itself. In addition, as discussed in the foregoing paragraphs addressing Claim 1, *Mitchell et al.*'s indicator 24 cannot be considered to be both the claimed strip and the claimed wetness indicator which is applied on or adjacent the same strip. Accordingly, Claim 14 is not anticipated by *Mitchell et al.*

Claim 15 recites that the characteristic is a product type, size, or absorption capacity of the article. As discussed in earlier paragraphs, there is no disclosure that the color or tint of the *Mitchell et al.* indicator 24 is indicative of a product type, size, or absorption capacity of the article.

Claim 16 recites that the wetness indicator is applied at an inside of the liquid impervious backsheet in a pattern. *Mitchell et al.* does not disclose this feature. As discussed in the paragraphs addressing Claim 1, *Mitchell et al.*'s indicator 24 is simply a ribbon of hot melt adhesive located between the backing sheet 12 and the baffle 22. This

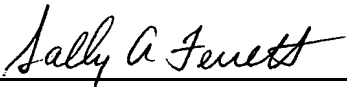
ribbon of hot melt adhesive does not appear to be arranged in a pattern. Accordingly, Claim 16 is believed to be not anticipated by *Mitchell et al.*

Claims 1-16 are believed to be in condition for allowance. Withdrawal of the rejections of Claims 1-8 and an early indication of the allowability of Claims 1-16 are respectfully requested.

If the Examiner has any questions concerning this Amendment or the above-identified application in general, she is invited to call the undersigned at the number listed below so as to expedite prosecution.

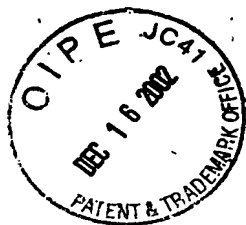
Respectfully submitted,

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Attachment to Amendment dated December 16, 2002

Marked-up Claims 1-8

1. (Amended) [Absorbent] An absorbent article [such as a diaper and incontinence guard] comprising:
 - a liquid pervious topsheet [(2)],
 - a liquid impervious backsheet [(3)],
 - [and] an absorbent body [(4)] enclosed therebetween,
 - at least one strip having a color or tint different than the backsheet, and
 - a wetness indicator arranged at an [at which on the] inside of the liquid impervious backsheet in a pattern [(3), i.e. on the side adjacent the absorbent body, there is arranged a wetness indicator (9) in a certain pattern, which is] and being visible through the backsheet [material],
 - [characterized in, that] wherein the wetness indicator is applied on or adjacent [at least one] the strip [(10) having a colour or tint different from the rest of the backsheet material (3)].

2. (Amended) [Absorbent] The absorbent article as claimed in claim 1, [characterized in, that] wherein the strip [(10)] is separate from the backsheet [material (3)] and is fastened on the inside of the backsheet [thereof].

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Marked-up Claims 1-8

3. (Amended) [Absorbent] The absorbent article as claimed in claim 1, [characterized in, that] wherein the strip [(10)] is a differently colored or tinted part of the backsheet itself [material (3) which is coloured in a different colour or tint than the rest of the backsheet material].

4. (Twice Amended) [Absorbent] The absorbent article as claimed in claim 1, [characterized in, that] wherein the colour or tint of the strip [(10)] is an indication of [the] a product type, size, or absorption capacity [or the like] of the article.

5. (Twice Amended) [Absorbent] The absorbent article as claimed in claim 1, [characterized in, that] the article having a length in a longitudinal direction, the strip [(10) extends] extending in the longitudinal direction of the article over [the] an entire length or at least an essential part of the length of the article.

6. (Twice Amended) [Absorbent] The absorbent article as claimed in claim 1, [characterized in,

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Marked-up Claims 1-8

that] wherein the strip [(10)] extends in [the] a transverse direction of the article and is applied at a part of the article that is intended to form a folding line [in the] for a folded packaging position of the article.

7. (Twice Amended) [Absorbent] The absorbent article as claimed in claim 1, [characterized in, that the width of] wherein the strip has a width [(10) is] between 1 and 8 cm [, preferably between 2 and 7 cm and more preferably between 3 and 6 cm].

8. (Twice Amended) [Absorbent] The absorbent article as claimed in claim 1, [characterized in, that] further comprising:

printed symbols or codes on or adjacent the strip, [(10) there is further printed symbols(11), or codes or the like which] the printed symbols or codes being an indication of [indicate the] a product type, size, or absorption capacity [or the like] of the article.